

103^D CONGRESS
1ST SESSION

S. 1188

To provide that Federal regulatory mandates shall not be enforced unless the cost to the States of implementing them are funded by the Federal Government.

IN THE SENATE OF THE UNITED STATES

JUNE 30, 1993

Mr. COVERDELL (for himself, Mr. FAIRCLOTH, Mr. KEMPTHORNE, and Mr. GREGG) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To provide that Federal regulatory mandates shall not be enforced unless the cost to the States of implementing them are funded by the Federal Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Mandate Re-
5 lief Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

1 (1) Federal regulation of State and local gov-
2 ernments has become increasingly extensive and in-
3 trusive in recent years;

4 (2) such regulation has, in many instances—

5 (A) adversely affected the ability of State
6 and local governments to achieve their inde-
7 pendent responsibilities and meet their estab-
8 lished priorities; and

9 (B) forced State and local governments to
10 use existing revenue sources and to generate
11 new property tax revenues to enable them to
12 adhere to Federal mandates; and

13 (3) the resulting excessive fiscal burdens on
14 State and local governments also undermine the gov-
15 ernments' ability to attain the goals of Federal regu-
16 lations.

17 (b) PURPOSE.—It is the purpose of this title to estab-
18 lish procedures to ensure that the Federal Government
19 pays the total amount of additional costs incurred by State
20 and local governments in complying with intergovern-
21 mental regulations that take effect on or after the date
22 of enactment of this Act.

23 **SEC. 3. DEFINITIONS.**

24 For purposes of this Act—

1 (1) the term “additional costs” means the
2 amount of costs incurred by a State or local govern-
3 ment solely in complying with an intergovernmental
4 regulation promulgated pursuant to a significant
5 Federal statute concerning a particular activity that
6 is in excess of the amount that the State or local
7 government would incur in carrying out that activity
8 in the absence of the regulation, but does not in-
9 clude any amount that a State or local government
10 is required or permitted by law to contribute as a
11 non-Federal share under a Federal assistance pro-
12 gram;

13 (2) the term “Director” means the Director of
14 the Office of Management and Budget;

15 (3) the term “Federal agency” means a depart-
16 ment, agency, or instrumentality in the executive
17 branch of the United States Government, but does
18 not include a mixed-ownership Government corpora-
19 tion;

20 (4) the term “Federal assistance” means assist-
21 ance provided by a Federal agency to a State or
22 local government or other public or private recipient
23 in the form of a grant, loan, loan guarantee, prop-
24 erty, cooperative agreement, or technical assistance,
25 but does not include direct cash assistance to a nat-

1 ural person, a contract for the procurement of goods
2 or services for the United States, or insurance;

3 (5) the term “intergovernmental regulation”
4 means a statute, or a regulation promulgated by a
5 Federal agency pursuant to a significant statute,
6 that—

7 (A) requires a State or local government
8 to—

9 (i) take certain actions; or

10 (ii) comply with certain conditions;

11 and

12 (B) takes effect on or after the date of en-
13 actment of this Act;

14 (6) the term “local government” means—

15 (A) a county, city, town, village, or other
16 general purpose political subdivision of a State;

17 (B) a school district; and

18 (C) a unit of local government established
19 under State law for a particular public purpose;

20 (7) the term “State” means each of the States,
21 the District of Columbia, Guam, the Commonwealth
22 of Puerto Rico, the Commonwealth of the Northern
23 Mariana Islands, the Virgin Islands, American
24 Samoa, and the Trust Territory of the Pacific
25 Islands.

1 **SEC. 4. COMPENSATION OF STATE AND LOCAL GOVERN-**
2 **MENTS FOR ADDITIONAL COSTS.**

3 (a) IN GENERAL.—An intergovernmental regulation
4 may not be enforced against a State or local government
5 with respect to a fiscal year—

6 (1) unless there has been made an appropria-
7 tion of Federal funds, and such funds have been
8 made available, to all State and local governments
9 for the fiscal year in an amount that is sufficient to
10 reimburse all State or local governments for the
11 total amount of additional costs that will be incurred
12 by those governments in complying with the regula-
13 tion during the fiscal year; or

14 (2) Congress approves by a two-thirds vote of
15 the members of each House of Congress, duly cho-
16 sen and sworn, a joint resolution that waives sub-
17 section (a) with respect to that intergovernmental
18 regulation and that fiscal year.

19 (b) DETERMINATION OF ADDITIONAL COSTS.—For
20 the purposes of subsection (a), the total amount of addi-
21 tional costs that will be incurred by State governments
22 and local governments in complying with an intergovern-
23 mental regulation during a fiscal year shall be the total
24 amount of such costs for compliance with the regulation
25 estimated by the Director for the fiscal year in the report
26 required under section 5 for the fiscal year.

1 **SEC. 5. REPORT BY THE DIRECTOR.**

2 For each fiscal year in which an intergovernmental
3 regulation will be in effect, the Director, in consultation
4 with representatives of State and local governments, shall
5 prepare and submit to the President and the Congress,
6 with the President's budget in January preceding the be-
7 ginning of a fiscal year, a report that contains an estimate,
8 for that fiscal year and the following fiscal year, of the
9 total amount of additional costs that have been incurred
10 or will be incurred by each State government and by each
11 local government within each State in complying with the
12 intergovernmental regulation.

13 **SEC. 6. PAYMENT OF REIMBURSEMENTS.**

14 (a) IN GENERAL.—The head of a Federal agency
15 that administers an intergovernmental regulation shall
16 pay to each State and local government in each fiscal year
17 the amount determined pursuant to this section to reim-
18 burse the State and local governments in the State for
19 the additional costs incurred by those governments in com-
20 plying with the intergovernmental regulation during the
21 fiscal year.

22 (b) AMOUNT PAID BY A FEDERAL AGENCY TO A
23 STATE OR LOCAL GOVERNMENT.—The amount to be paid
24 to a State or local government under subsection (a) for
25 a fiscal year shall be the amount of additional costs speci-

1 fied for that State or local government in the report sub-
2 mitted pursuant to section 5.

3 (c) INAPPLICABILITY OF SECTION.—This section
4 does not apply with respect to an intergovernmental regu-
5 lation that will be in effect during a fiscal year if, with
6 respect to that intergovernmental regulation and that fis-
7 cal year, a joint resolution described in section 4(a)(2) is
8 in effect.

9 **SEC. 7. EFFECT OF SUBSEQUENT ENACTMENTS.**

10 No statute enacted after the date of enactment of this
11 Act shall supersede this Act unless the statute does so in
12 specific terms, referring to this Act, and declares that that
13 statute supersedes this Act.

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